

LAW OF THE REPUBLIC OF TAJIKISTAN ON POLITICAL PARTIES

CHAPTER I. GENERAL PROVISIONS

Article 1. Citizens' right to associate into political parties

Citizens' right to associate into political parties is implemented by:

- establishment of political party in accordance with their convictions;
- voluntary joining political parties in case of recognition of parties' charters by enterers;
- participation in political parties' activities in accordance with aims stipulated in parties' programmers, and in frames determined by parties' charters;
- free secession from political parties.

Article 2. Political Party

In the conception of political party, a public association in understood, the main task of which is to take part in political life of the society through forming citizens' political wills, as well as exercising power through its members.

Aims and tasks of political party are reflected in its. Charter and Programme, which are published for public information

CHAPTER II. ESTABLISHMENT AND ACTIVITIES OF POLITICAL PARTIES

Article 3. Establishment of political parties

Only republican political parties can be established in the Republic of Tajikistan. Political parties are established freely by the, citizens of the Republic of Tajikistan without any permission, in a Constituent Session (conference, assembly) which adopts the Charter and creates authorities of a party.

In order to pass state registration a political party shall submit the list of not less than one thousand supporting citizens, which are inhabitants of most cities and districts of the Republic of Tajikistan.

A party is considered as juridical person from the date of it's state, registration.

Following state registration a political party shall have initial organizations in most regions, cities and districts within three months.

An initiative group on political party's establishment announces, through mass media, the place and date of a Constituent Session, as well as fundamental tenets of its charter not later than one month prior to the convening Constituent Session (conference, assembly).

Activities of other political parties as well as their structure are prohibited in the territory of Tajikistan.

Article 4. Limitations for establishment and activities of political parties.

Establishment and activities of political parties, objectives and activities of which are aimed to forcible overthrow of constitutional system and formation of armed groups "and/or propagandizes race, national, ethnic, social and religious dissensions, are prohibited.

Political Parties and its members have no right to use religious nous in their political activities.

Establishment and activities of political parties' organization at state security, interior, justice organs, prosecutors' offices, customs office, tax organs, courts, Armed Forces of the Republic of Tajikistan, other troops, military units, as well as at the organs of government, secondary and high schools are prohibited.

Article 5. Membership in Political Parties.

Members in political parties is possible only on basis of voluntary wills of the citizens of the Republic of Tajikistan.

Judges, prosecutor, military servicemen, personnel of Interior Security organs, tax police, customs and justice as well as foreign citizens and persons without citizenship cannot be members of political parties, Political Parties have only individually registered membership. Citizens of 18 years age can be members of political party.

Article 6. Charter of Political Party.

Charter of political party should contain the following provisions:

- 1) name, aims and tasks of the political party,
- 2) structure of the political party and its organs.
- 3) Conditions and procedures of getting and losing party membership, rights and obligations of members of political party.
- 4) Equal right of political party's members.
- 5) Compliance of activities and aims of political party with the Constitution of the Republic of Tajikistan.
- 6) Procedure of election of the leading bodies of the political party, their power, term of their duty and location of political party.
- 7) Publicity of political party's activities and its organs.
- 8) Procedures of adopting and amending party's Charter.
- 9) Properties and material means of the political party, financial resources and its economic activities.
- 10) Symbol of the party (if there is).
- 11) Procedures of cessation and organization of party's activities. ' -I political party should contain the following
- 12) settlement of debates on properties after secession of party activities,
- 13) organs of political party are elected and accountable.

Other rules, related to party's activity may be included in Charter.

Adoption of the Charter, programme of political party, nomination of a candidate from the political party to the organs of state authority of the Republic of Tajikistan and settlement of other significant issues of political party's life are carried out under the decision of congress, conference and plenum, meeting or under the results of party's members voting.

Article 7. State Registration of the Political Party

State registration of the political party is carried out by the Ministry of Justice of the Republic of Tajikistan.

For the state registration of political party within one month i an application signed by person, who is authorized by constituent session (conference, meeting) of establishing party may be given to the registration body indicating legal address of the leading bodies. In addition to the Charter, minutes quotation of Constituent Session (conference, meeting) which adopted the Charter, the list of the names of not less than ten participants of the meeting, mentioning their passport dates and addresses, one copy of mass media publication which reported the date and place of Constituent Session (conference meeting) as well as the fundamental tenets of political party's Charter bank receipt, which certifies that state custom for party registration is paid, and the list of one thousand party members in accordance with the chapter II, article 3 of this law may be attached.

Registration body is not allowed to ask the party to submit other documents, not mentioned in

the second part of this paragraph.

The registration body registers the political party within one month following submitting of documents. Violation of the named period is not allowed.

Amendments and changes, which are made to the Charter of political party, must be registered by the same body and within same periods of state registration of party itself.

For state registration of political party, amendments and changes, which are made to its Charter, the registration custom shall be levied in accordance with rules, and taxes, which are determined by the Government of the Republic of Tajikistan.

The document which verifies state registration of the political party, as well as its including to public associations of the state catalog is certification on state registration of the party.

Requesting any other document from the political party, which verifies state registration is prohibited.

A political party from the date of its state registration acquires the right of a legal entity.

Article 8. Structures of Political Parties.

Local structures of the political party are found under the regulation, provided in the Charter of the political party.

Following establishment of party structure (subunit) in the district city and regions, the leading body of political party informs the local authorities in written.

Article 9. Reasons for Denial of State Registration of the Political party.

State registration of the political parties may be denied for the following reasons:

-if provisions of its Charter contradict the Constitution of the Republic of Tajikistan, this Law and Legislation of the Republic of Tajikistan.

-if Party's Charter does not comply with the requirements of article 6 of this Law;

-if requirements of article 3, par.2 and article 7, par.5 of this Law are not implemented.

- if with the same name and/or with the same symbol the Charter of another party is registered before.

- if a legal address of a leading body of the party is out of the territory of the Republic of Tajikistan.

Grounds for rejection of the registration on political party's Charter will be given in written and it may be complained to the court.

CHARTER III. THE RIGHTS OF POLITICAL PARTIES AND FORMS OF SUPERVISION TO THEIR ACTIVITIES.

Article 10. Rights and obligation of political parties.

In accordance with the rules, provided by law every party has right to:

-nominate candidates for election of the President of the Republic of Tajikistan and for electoral bodies of government;

-participate in preparation and holding referendum and elections of the government bodies.

-freely proclaim information about their activities orally, in written and in other forms,

-propagandize its aims and tasks, have their program documents.

-establish its own mass media and publishing house; -use state mass media means, including Press, Radio and Television,

-hold meetings, rallies, demonstrations and other mass measure in accordance with existing laws of the Republic of Tajikistan;

- maintain international relations with political parties and foreign political associations and

support them;

- join international unions and associations;

- establish branches and representations in accordance with aim and obligations provided in its charters;

conduct economic, financial and other activities under the laws of the Republic of Tajikistan and its Charter;

- make an alliance with other political parties and public associations of the Republic of Tajikistan,- establish treaty relations.

- every year Political Parties submit a report to the Ministry of Justice on continuing their activities and their headquarter;

Article 11. Assets of the Political Parties

The following assets can be property of a political party buildings, constructions, housing fund, equipments, implements printing-house, funds and other assets, which are necessary for (I providing its activity and which are provided in Charters and law of the Republic of Tajikistan.

The assets of a political party can be used only for implementation of aims and obligations of a political party.

Every year the political party proclaims an information on party's material condition.

Article 12. Political Parties' Funds

The funds of the political party derive from the following:

- introductory and membership dues, if provided in Party's Charter.

- voluntary donations; -earnings from conducting lectures, exhibitions and other measures (under Charters);

- income from publishing activities and other activities, which are consistent to aims and obligations of the Charter

- other incomes, which are not prohibited by laws.

Article 13. Material assistance for the needs of political parties.

A political party has right to accept material support in form of property or funds from natural persons, enterprises, organizations public associations, foundations and other nongovernmental legal entities. Material support is prohibited from the following enterprises and organizations: charity and religious organizations:

state enterprises and organizations as well as enterprises and organization, which pertain to the government .

- foreign state, citizen, enterprises and organizations as well as organization and enterpriser, which pertain to the foreign countries.

- unidentified persons (without names);

- political parties, which are not united with political party, to which the material assistance is provided.

Article 14. Political party's economic activity.

In accordance with the Laws of the Republic of Tajikistan and its Charter the political party in adoption of decisions on economic issues party's personnel wages, expending financial and material reserves, is independent.

With the view of financial and material conditions creation for implementation of charter's aims and rights, provided in article 10 of this Law, a political party has the right to establish enterprises and organizations in accordance with regulations, determined by Law of the

Republic of Tajikistan.

Article 15. Government support for Political Parties.

State authority bodies of the Republic of Tajikistan render support to the registered political party:

- providing the equal access to state mass media;
- ensuring equality of opportunities for holding election campaigns.

In case of suspension of party's activities in accordance with the provisions of article 21 of this Law, the government support will be temporarily suspended.

In case of the ban on political party activities, from the date of the decision of the Supreme Court of the Republic of Tajikistan on banning party's activity, the government support will be stopped.

Article 16. Monitoring of financial activity of political party.

The leading body of the party is obliged to publish a financial report on source, amounts and expending funds, which came to party's foundations during one reporting year, as well as party's property and taxes.

Appropriate bodies of a tax department of the Republic of Tajikistan will inspect the financial report of the political party.

CHAPTER IV. PARTICIPATION OF POLITICAL PARTIES ELECTIONS

Article 17. Forms of parties' participation in elections'.

A party participates in elections in the following ways:

- independently;
- reach pre election agreement with other political party;
- with other political parties join electoral unions;
- in compliance with electoral legislation political party has the right to:
- nominate candidates independently or on behalf of electoral unions.
- conduct pre election campaigns obeying equal conditions!
- observe election process and determine its results un stipulated procedures;
- to represent in electoral commissions;
- equal access to the state mass media as well as mass media with government participation;

- Article 18. Political party's participation in the electoral unions. Following registration of electoral unions by appropriate

electoral commissions, a party, which nominates its candidate in compliance with the list of electoral union, has no right to nominate its candidates independently or in compliance with the list of another electoral union on the same level, if other condition is not provided in the agreement.

Article 19. Party's fractions in representative bodies.

Party's fractions in representative bodies are established and act in accordance with normative acts,, which determine procedures of activities of these bodies.

CHAPTER V. SUSPENSION, CESSATION AND BAN ON POLITICAL PARTIES ACTIVITIES

Article 20. Suspension of political party's activity.

In case of breach of Constitution of the Republic of Tajikistan constitutional laws of the Republic of Tajikistan, Laws of the Republic of Tajikistan by a political party, as well obtaining M economical and political assistance from foreign countries, the Ministry of Justice of the Republic of Tajikistan and/or Prosecutor General of the Republic of Tajikistan will issue warning notice on cessation of illegal activity. If the party does not fulfill the requirements within 10 days, its activity may be suspended for six months by the decision of Tajikistan Supreme Court.

Article 21. Consequences of suspension of political party's activity.

In case of suspension of party's activity for the period determined in article of this law, its right as founder of mass media will be suspended and it will not be allowed to have status of the legal entity, organize rallies demonstrations and other mass measures, participate in the elections, utilize bunks' fund, except settling account on economic activities and labor treaties (agreements), compensation of damages occurred from its activities, payment of fines.

Article 22. Cessation of political party's activity.

The activity of a political party can be ceased by the decision of the Supreme Court of the Republic of Tajikistan on the ban on is well as by its reorganization and/or liquidation.

Article 23. Grounds for a ban on political party's.

The following are the grounds of a ban of political party's activity by Tajikistan Supreme Court:
-activity of political party, which prohibited by article 4, par. 1;
-illegal activity of political party after the bun of its activity by the decision of Supreme Court of the Republic of Tajikistan in accordance with article 20 of this law.

Article 24. The decision on a ban on political party's activity. The decision on banning political part's activity can be taken on the basis of Tajikistan Supreme Court decision and only on the grounds provided in article 23 of this Law.

Article 25. Cessation of the activity of political party by reorganization of liquidation.

Political party's activity may be cased as a result of reorganization (merging, associating, dividing) and/or liquidation. The decision on party's reorganization will be taken by high leading body of the party.

Political party's Charter, which is constituted after the reorganization, will be registered in accordance with regulation, provided in article 7 of this Law.

A political party is liquated under its Charter and by self-dismissing way.

Article 26. Consequences of party's activity cessation.

Properties of the political party, which ceased its activity, following satisfaction of property claims, will be directed for the following purposes.

- in case of liquidation for the purposes, provided in its Charter.
- in case of a ban-according to the decision of the Supreme Court of the Republic of Tajikistan.
- in case of reorganization –will be given to assets of a public association, which is a legal heir of the political party, which ceased its activity.

The cessation of political party's activity will be subject exclude the party from the appropriate state list of public associations, annul certification on state registration of the political party and lose of right of a legal entity.

The President of the Republic of Tajik
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